



COUNTY OF LOS ANGELES
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April 20, 2010

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ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

Agenda No. 8
05/26/09

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

#20 APRIL 20, 2010

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

**Re: ANIMAL PERMIT NO. 2008-00004-(5)
FIFTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously conducted a hearing regarding the above-referenced animal permit to maintain animals as pets for personal use in excess of the number otherwise allowed under the applicable zoning located at 490 Smoketree Drive in the unincorporated community of West Claremont. At the completion of the hearing you indicated an intent to approve the proposed permit with revised conditions. Enclosed are proposed findings and conditions for your consideration.

Very truly yours,

ANDREA SHERIDAN ORDIN
County Counsel

By *Keane*
PATRICIA KEANE
Deputy County Counsel
Property Division

APPROVED AND RELEASED:

John F. Krattli
JOHN F. KRATTLI
County Counsel

PK:vn
Enclosures

HOA.688184.1

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
ANIMAL PERMIT NO. 2008-00004-(5)**

1. The Los Angeles County ("County") Board of Supervisors ("Board") conducted a duly-noticed public hearing in the matter of Animal Permit No. 2008-00004-(5) ("Animal Permit") on May 26, 2009.
2. Previously, the County Regional Planning Commission ("Commission") conducted a duly-noticed public hearing regarding the Animal Permit on November 12, 2008. The Commission continued the public hearing to December 10, 2008, at which time the Commission voted to approve a reduced number of animals than the permittee originally requested. That matter was subsequently appealed to the Board.
3. The permittees, Roberto Alguero and Iris Fiorito ("Permittee"), applied for the Animal Permit to continue to keep and maintain animals as pets or for personal use in excess of the number otherwise allowed under the applicable zoning for their property ("Site"). The Permittee had previously received approval for Animal Permit No. 2002-00162-(5), which allowed for two horses, one llama, one emu, 10 goats, four dogs, and three cats. The previous animal permit was approved on December 16, 2002, and expired by its terms on December 17, 2007. The Permittee was cited on December 17, 2007, for maintaining animals on the Site in excess of the number permitted by the previous animal permit. As part of the present Animal Permit, the Permittee originally applied for a permit to keep or maintain two horses, one llama, one emu, and 15 goats as pets or for their personal use on the Site. No request for dogs or cats was included in the present Animal Permit.
4. An animal permit is required to keep or maintain classified animals, such as goats, horses, or llamas as pets or for personal use by members of the family residing on the premises in excess of the number that would otherwise be allowed by Title 22 of the Los Angeles County Code ("County Code") pursuant to section 22.56.420. An animal permit is also required to keep or maintain, as pets or for personal use, animals that are not specifically classified, such as emus.
5. As set forth herein, the Board finds that the Animal Permit meets the burden of proof required pursuant to County Code section 22.56.450.
6. The Site is located at 490 Smoketree Drive in the unincorporated community of West Claremont in the North Claremont Zoned District.
7. The Site is approximately 33,967 square feet (0.78 acres). The main portion of the Site is zoned A-1-10,000 (Light Agriculture—10,000 Square Feet Minimum Required Lot Area) with the remainder of the Site zoned A-1-15,000 (Light Agriculture—15,000 Square Feet Minimum Required Lot Area). The Site is currently developed with a single-family residence, a storage shed, shelter

buildings for the animals, and corrals. The Animal Permit is consistent with the existing A-1-10,000 and A-1-15,000 zoning classifications.

8. The Site is designated as 1–Low Density Residential pursuant to the Countywide General Plan, which is suitable for single-family, detached housing units at densities typically ranging from one to six units per gross acre. The Animal Permit is consistent with the General Plan land use designation for the Site.
9. The property to the north of the Site is zoned A-1-15,000. The property to the east and south of the Site is located within the incorporated City of La Verne. The property to the west of the Site is zoned A-1-10,000 and A-1-15,000. The area surrounding the Site on the north, east, and west is characterized by residential development consisting of single-family residential uses on lots of various sizes. The 210 Foothill Freeway runs along the southern boundary of the Site.
10. In accordance with California Environmental Quality Act ("CEQA") Guideline section 15301, the County determined the Project to be categorically exempt pursuant to the Class 1 categorical exemption for existing facilities, which allows, in relevant part, for the operation, repair, maintenance, and permitting of existing private structures or facilities involving negligible or no expansion of use beyond that existing at the time of the County's determination.
11. Prior to the Commission's November 12, 2008 public hearing, comments were requested from the Department of Public Health ("Public Health") and the Department of Animal Care and Control ("Animal Care and Control"). Public Health submitted a letter dated May 20, 2008, which stated that the Permittee must also obtain an Animal Keeper's Permit for the number and type of animals that they proposed to keep and maintain. Animal Care and Control submitted a letter dated June 12, 2008, stating that based on inspections, the animals appeared to be adequately housed and cared for, and that the department had not received any complaints.
12. On November 12, 2008, the Commission heard a presentation from staff as well as from the Permittee regarding the initially proposed Project requesting up to 15 goats, along with the horses, llama, and emu. The Commission also heard testimony from adjacent property owners concerned about the effect the Animal Permit would have on other property and residents in the area. The main areas of concern included odor, noise, and impacts to health due to the presence of flies. The Commission also considered the information submitted by Public Health and Animal Care and Control in the correspondence submitted prior to the public hearing.

13. During the public hearing, the Commission discussed the concerns expressed by the adjacent property owners and stated that a reduction in the number of animals from the number requested by the Permittee would alleviate such concerns. The Commission indicated that an appropriate number of animals for the Site would be the same as what was originally allowed under the previously approved Animal Permit No. 2002-00162-(5). The Commission continued the public hearing to December 10, 2008, and directed staff to prepare draft findings and conditions for the Commission's consideration at the continued hearing.
14. On December 10, 2008, the Commission heard a presentation from staff regarding the Animal Permit. The Commission closed the public hearing and concluded that the Animal Permit was categorically exempt from CEQA pursuant to the Class 1 categorical exemption for existing facilities set forth in section 15301 of the CEQA Guidelines. The Commission also formally voted to approve the Animal Permit, limiting the number of animals allowed under the permit to 10 goats, two horses, one llama, and one emu. The matter was subsequently appealed to the Board.
15. The Board conducted a public hearing on the appeal on May 26, 2009. The Board heard a staff presentation as well as testimony in favor of and in opposition to the Animal Permit. Following all testimony, the Board closed the public hearing and concluded that the Animal Permit was categorically exempt pursuant to the Class 1, Existing Facilities, exemption set forth in section 15301 of the CEQA Guidelines. To ensure that the Animal Permit would not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare, and would not be materially detrimental to the use, enjoyment, or valuation of the property of other persons in the vicinity of the Site, the Board required the Permittee to comply with several additional conditions. The Board directed that the Permittee establish and maintain a 35-foot buffer area along the northern boundary of the Site to ensure adequate separation of the goats from the neighboring residences. The Board also directed that the Permittee construct a solid masonry wall along the northern property line to further preserve the neighbors' quiet enjoyment of their property. Additionally, the Board directed that the Permittee maintain the male and female goats separately on the property at all times and that the Permittee obtain all necessary permits from other County departments. The Board further directed that the Site be inspected by Regional Planning staff and that the Permittee provide access to staff to allow for such inspections.
16. The location of the documents and other materials constituting the record of proceedings upon which the Board's decision in this matter is based is the Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits 1 Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

1. That the Permittee has demonstrated that the requested animals at the location proposed will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare; and
2. That the Permittee has demonstrated that the proposed site is adequate in size and shape to accommodate the animals requested without material detriment to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site.

THEREFORE, THE BOARD OF SUPERVISORS:

- A. Determines that the Project is categorically exempt from the California Environmental Quality Act pursuant to the Class 1 categorical exemption for existing facilities; and
- B. Approves Animal Permit No. 2008-00004-(5).

CONDITIONS OF APPROVAL
ANIMAL PERMIT NO. 2008-00004-(5)

1. This grant authorizes the keeping or maintaining as pets or for personal use of members of the family residing on the premises at 490 Smoketree Drive in the unincorporated community of West Claremont in the North Claremont Zoned District up to 10 goats, two horses, one llama, and one emu, subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and until all required monies have been paid pursuant to Condition No. 12. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 4 and 5 shall be effective immediately upon final approval of this grant by the County.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009 or any other applicable time period. The County shall notify the permittee of any claim, action, or proceeding, and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing pay Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

- c. The cost for collection and duplication of records and other related documents shall be paid by the permittee in accordance with Los Angeles County Code ("County Code") section 2.170.010.
- 6. This grant will expire unless used within two years from the date of approval. A single, one-year time extension may be requested in writing and with the appropriate fee prior to the expiration date.
- 7. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit may be voidable and the privileges granted hereunder may lapse.
- 8. **This grant shall terminate on May 26, 2019.** Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. At least six months prior to the expiration of this grant and in the event that the permittee intends to continue keeping and maintaining animals in excess of the number or of a type not otherwise allowed under the applicable zoning, a new animal permit application shall be filed with Regional Planning. The application shall be a request for a continuance of the use permitted under this grant, whether or not including modifications to the use at that time.
- 9. The subject property shall be developed and maintained in compliance with the provisions and requirements of Title 11 ("Health Code") and Title 22 ("Zoning Ordinance") of the County Code.
- 10. All structures on the subject property shall conform to the requirements of the Division of Building and Safety of the County Department of Public Works.
- 11. The property shall be developed and maintained in substantial conformance with the site plan that shall be placed in the file and marked as Exhibit "A."
- 12. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County the sum of \$800. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of this grant. The deposit provides for four inspections that shall occur within the first year of operation after the effective date of this grant. Two of the inspections shall be announced, and two inspections shall be unannounced. The permittee shall provide unrestricted access to Regional Planning staff during the business hours of Monday through Friday, from 9:00 a.m. to 5:00 p.m., excluding holidays, for purposes of conducting the required inspections.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$200 per inspection, or the current recovery cost, whichever is greater.

13. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Regional Planning Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be nuisance. In the event that the County deems it necessary to initiate such proceedings pursuant to Part 13 of Chapter 22.56 of the Zoning Ordinance, the applicant shall compensate the County for all costs incurred in such proceedings.
14. The permittee shall be limited to keeping or maintaining as pets or for personal use of members of the family residing on the premises a maximum of the following number of the following types of animals on the premises at any one time: 10 goats, two horses, one llama, and one emu. The permitted maximum number of 10 goats includes goats of all ages, including but not limited to, adults, children, and newborn goats.
15. The permittee shall pick up fecal matter from the animals on a daily basis and dispose of it properly. The permittee shall not use a drag bar or other method to mix the fecal matter into the dirt.
16. All buildings and structures shall be set back from the property line a minimum of 10 feet.
17. There shall be a buffer zone of 35 feet from the property line along the northern boundary of the subject property where the subject property adjoins the properties to the north, which contain single-family residences fronting on Baseline Road. All goats kept or maintained on the subject property shall remain outside of this buffer zone at all times.
18. The permittee shall keep male and females goats separated on the subject property at all times. No male and female goats shall be permitted to eat, board, sleep, or otherwise be in each other's company at any time.
19. The permittee shall secure any necessary permits from all applicable County departments, including, but not limited to, the Department of Animal Care and Control.

20. Within 180 days of the effective date of this grant, the permittee shall, at the permittee's sole cost and expense, construct a solid masonry wall that is six feet in height located along or abutting the entire northern boundary of the subject property. The wall shall be constructed entirely on the subject property unless the permittee obtains consent from the owners of the properties adjoining the subject property to the north. If the permittee obtains such consent, the wall may straddle the property line.
21. The Director of Regional Planning shall review the permittee's compliance with the conditions of this grant and prepare a report regarding such compliance no later than 12 months after the effective date of this grant. The Director shall submit the report to the Regional Planning Commission at a regularly scheduled Commission meeting with adequate notice to all interested parties for consideration of appropriate action if the permittee fails to comply with the conditions of this grant.